

Mr. Quinlan J. Shea, Director
FOIA/ PA Appeals
Department of Justice
Washington, D.C. 20530

7627 Old Receiver Road
7/28/79

Dear Mr. Shea,

This relates to my appeals on all subjects and cases and to whether or not, before or after appeal, there were searches in good faith and with due diligence. There is more pertinence to my PA requests and appeals and to matters involved in C.A. 75-1996, which also, in the surveillance item, overlaps with the PA requests.

Yesterday I received copies of the Bantam edition of the Report of the House assassinations committee and of the ^{Systems} notice for the FBI Central Records System as it appeared in the Federal Register of September 28, 1978. (Pages 44683 - 94.) I am disappointed that you did not provide me with a copy of the letter so that I might be of more assistance to you. I skimmed parts of the report and its table of contents because of a prior press inquiry. This inquiry relates to JFK assassination matters and to the FBI's voluntary disclosure of its symbolled informants' identifications, which could not be more directly opposed to its affirmations in my cases in court.

In what follows it will be clear, as my previous appeals informed you, that the FBI did not provide all relevant records relating to alleged Mafia connection with the assassinations of the President and of Dr. King, particularly but not exclusively with regard to Carlos Marcello and associates. A reporter read me copies of FBI information used by the House committee and not disclosed to me before or after appeal. With regard to this information and in particular with regard to symbolled informers, I remind you that my appeals are quite specific in nature, ^{began} with the FBI in 1976 and thereafter were continued to you and are at least to a degree reflected in the Civil Division consultancy memo a copy of which I provided to you in amplification of my appeals. I also remind you that when you testified in C.A. 75-1996, despite the length and detail of the information I provided, you were totally silent on this and related matters.

You should recall that I agree on the need to protect the identifications of actual symbolled informers and when I first noticed name and other disclosures, include symbols and file identifications, I notified the FBI about the name disclosures and after the judge involved you in C.A. 75-1996 I informed you so that the names could be removed from the reading-room copies of the records provided to me.

You should also recall that I stated that in some cases it became clear that these were not accidental disclosures but were for obvious political and entirely improper purposes as also they proved the falsity of affidavits filed by the Department for the FBI. When this became a matter without any reasonable doubt, I provided an affidavit to the Court in which I stated that this was an intended and successful Cointelproing of the House committee, the Court and me. I believe I provided you with either the exhibits or the affidavit or both so you could perceive this on your own.

From 1976 until now I have not received a single replacement record. There has been no response to my appeals. In some cases I also provided copies of FBI records that also left without any doubt that there were political purposes in these disclosures, along with explanations for non-subject experts.

The closest thing to what might be regarded as any kind of response was the falsely sworn Beckwith affidavit of more than a year ago. When the Court expressed dissatisfaction sharply after my considerably understated informing of the Court, no other affidavit was provided and the several thick volumes of records provided to a later requester relating to one of the false swearings has still not been provided to me. *(Somerset/Miltner)*

This is one of the many subjects of improper withholding from me that I appealed time and again and now is used in the assassins committee report.

There are others I appealed that I do not see in the table of contents but have been disclosed by the committee in other publications. One relates to Marjorie Fetters, where my appeal had the additional purpose of protecting the reputation of another woman whose reputation was endangered by the withholding that made for ambiguity. Ms. Fetters was a symbolled informer. Another woman, not an informer but again with the privacy of a second woman involved, Mrs. *Calire* Keating, is the subject of another totally ignored appeal that is about three years old.

Because of the great extent of these abuses and misrepresentations, to the Court I cannot go into all of them. Instead, I note some from the table of contents of the report. Its finding relating to the King assassination ^{isn't} are under II. B relates to what the committee describes as evidence of Ray's guilt. This is one of the items of my ignored 1969 requests. Under B 1. is The FBI investigation. The report leaves ~~it~~ beyond doubt that all relevant FBI records were not provided. "Transactional analysis" under 2. (a) and "The prospect of financial reward," 3. (c), include information I was denied after appeal.

"General indications of conspiracy" is 4. I believe there remain withholdings but cannot now provide ~~any~~ specifications. ~~But~~ "Evidence of a conspiracy in St. Louis" is 6, with (a) the Byers allegation, my appeal on which you have ignored. (This should also involve FBI records relating to the alleged co-conspirators Kauffmann and Sutherland but again I cannot now provide specifics. I believe but am not certain that I saw excised references to this matter under the city of Imperial.)

The committee ~~dispre~~ression into the irrelevant, which represents the Cointelproing, bracketed with withholdings from me that prevented or inhibited my contemporaneous exposing of the abuse of the trust of the people and misleading of the committee, which then converted it into the irrelevant face-saving of the debunking, is under C.

I have skimmed some parts of the items of text relating to those who follow and I am limiting myself to specific appeals from withholding I'm certain I provided. (There also are other such instances ^{that are} not in the report.)

J.B. Stoner, who ~~is~~ also ~~in~~ in the surveillance item: I asked for the other relevant records not provided, including Memphis reporting of what that office did with nasty and untruthful information relating to me sent to it by FBIHQ for it to provide to unidentified Tennessee officials who I believe include at least one judge. Citizen band radio broadcast: I appealed withholdings and was ignored.

Herman Thompson: my appeal included the withholding of such information as the phone number I informed you I had picked up on the notes made by former SA Arthur Hanes Sr., Ray's first counsel, after he had been given access to FBI records. Ignored.

John McFerren (who overlaps into William Sartor): I appealed the withholding of Memphis records of which I knew and withholding from within the records provided, unjustified withholding of what was within the public domain and made for a misleading public record.

William Saffor, who has been dead for some years: I provided his name when it was withheld because information in the public domain made identification of him certain and I provided other withheld names for the same reason. I was totally accurate. As I told you, Sartor's former wife gave me what she had of his notes and manuscripts.

Raul Esquivel: I provided copies of public domain information that had been withheld. This also was ignored and remains withheld. So also does other information some of which is (mis)used in the report. I provided you with records or quotations of records establishing that withheld records exist. The report cites them.

Jules Ricco Kimble: I am uncertain but believe I did appeal and told you what I knew of him from this dubious involvement in the Garrison fiasco. Perhaps a picture also is involved.

Randy Rosenson: I am certain in part, uncertain in part, but I did appeal the withholding of copies of some of what was in Ray's possession when he was arrested, particularly the contents of his wallet (in part) and a card relating to Rosenson according to statements made by Ray and his brother Jerry at ~~Knastine~~ Knastine 1973, which should have been the separate subject of FBI inquiry, not provided.

Claude and Leon Powell: I did appeal withholdings and believe I reminded you of the consequences after one of the brothers found himself charged with contempt.

Byron Watson: here the appealed withholdings include CRD records, appealed very early in C.A. 75-1996 and again this was a matter of extensive disinformational activity and cost to the Government because I was inhibited in my ability to offset it.

Morris Davis is a Birmingham informer turned over to the assassins committee who turned him over to Mark Lane, one of the earlier indications of Cointelproing that is included in appeals of withholdings and in uncontested affidavits.

Clifton Baird is a case of which I was able to do something but not enough because all information was not provided. I got the assassins off the backs of many Louisville policemen over his fabrications by giving copies of what I did get because the FBI had its own interest ^{which} I was able to serve and did, exculpating the FBI. Baird's charges were obvious fabrications. However, I was also defamed with immunity in the Congressional Record as this was misused by the committee to get itself extended.

William Somerset: In addition to my earlier request relating also to J.A. Milteer, I appealed withholdings, including of public domain information I had published years earlier. This matter is one of those sworn to falsely by SA Beckwith. I displayed several volumes of the records, which are not all, made available to a later requester. Nothing has been provided since I informed the Court and the Department as I had informed the FBI, without discouraging its subsequent false swearing.

Myron Billet, who was in Columbus Ohio, despite the report listing this as a New York conspiracy. I provided even ~~newspaper~~ newspaper stories to establish that the FBI was withholding the public domain, to no avail. Three years have passed without my receiving any additional or replacement copies of records.

There are others not in the table of contents. In skimming I notice the name Sidney Barnes. You should remember the appeal from withholdings of which this is part by your means of identifying records (not yet provided) from my description of "Kathy Ainesworth's crazy mother." The crazy stuck in your mind and enabled you to make identification when I forgot her Hungarian name.

Among the withholdings from the records provided are some relating to Barnes' friend and the late Kathy's associate Thomas Tarrant, who I believe was also associated with Stoner. Tarrant, also known as Tats, was included in that appeal. This was part of the records relating to threats against Dr. King. Tarrant's exploits included a backfired attempted bombing in Meridian, Miss., in which Kathy was killed. This was the subject of great embarrassment to the FBI, which took about \$30,000 from a private source to bribe informants. You will find that all I told you about this is accurate. I believe I told you I'd met the man who provided the money. In any ~~event~~ event, the FBI's stone wall did not move for three years, until today. I received the attached letter offering me a partial release relating to Tarrant, saying nothing about the remaining records, and asking advance payment. *My appeal is part of C.A. 75-1926 and there should be no charge.*

Really, do you think this case will ever end if the FBI takes three years to act on one of the few appeals on which there has been any action? And then billing me and telling me there are other records but not telling me that they will be provided or that unspecified exemptions are claimed and I'm not told?

Except for some of mine that have not been acted upon, are there ~~many~~ ^N many appeals that old?

And even if the obstructionists who build those stone walls treated this as a new request, which it was not, how many requests do they have that old?

This is anything but a complete itemization of improper withholdings reflecting also knowingly inadequate search and rank discrimination, in which the FBI gave the notorious irresponsible assassinations committee and its staff, which ranged from those of prior relationship with the FBI to farout conspiracy theorists, what it withheld from me and continued to withhold from me after I provided proof of the impropriety of the withholding and appealed.

Because of the clear misconstruction of the actual meaning of your testimony, which was largely of generalities, I emphasize that all this was appealed prior to your testimony, that you made no reference to any of it in your testimony and prior to or since then have done nothing about any of it.

I am quite confident that, with regard to each and every one of these matters and most if not all the many others ^{now} ~~given~~ given this ^{additional} ~~official~~ official misuse, I provided detailed and accurate information, which is not normally required of a requester. Infrequently I receive a letter that is subject to misconstruction or is not accurate and I am required to take more time to make response but the records themselves remain withheld, the required searches remain unmade and the appeals are for all practical purposes ignored. ~~In~~ ^{this} In my view, is more ~~grievous~~ grievous because of the burden imposed on my by the consultancy in which I also went into considerable detail regarding some of these matters, and although that was for the Department it also totally ignored that. (Except for ~~refusing~~ refusing to pay me and not repaying the costs it authorized.)

You were involved in these matters by the Court with the expectation that you would work them out. Your testimony served to mislead the Court with regard to this also, and I was not permitted to cross-examine and on the Department's motion was additionally foreclosed, by being denied the most recent means by which I sought to provide testimony subject to cross-examination, deposition.

When with this one considers the totality of non-response to so many appeals and they are so very old, including those made contemporaneously as I received and read records going back to 1976, and then notes this long overdue and completely inadequate Tarrants business, I am serious in asking if the Department intends for this case never to end except by non-compliance it seeks by every means possible to perpetuate.

We have had meetings on this. I have always been available for them and for any other help asked of me. I have had no complaints about the help I have provided. You did not keep the dates we made for the most recent of these meetings and did not tell me you would have to delay the last one planned, of several weeks ago. I remind you still again that these are historical cases and that my role in them has become primarily a public and public-service role. Under any circumstances the record I cite should be

unprecedented. Under these circumstances I regard it as ^{an} incredible ^{records,} particularly because of the nature of what the Department undertook to lead the Court to believe.

What has the Department not done to try to lead the Court into believing that I am somehow unreasonable, what has it not done not to comply, and how much less could you have done about all these appeals?

Among the other Items of my request not complied with, again the surveillance Item, Ray is included. The report has a section on that.

There is also the matter of files not searched. Here also my specifications are detailed. ~~But~~ I can now show more than I have ^{that they} were precisely accurate. The records is uncontradicted: the FBI lied about this, repeatedly, and with OLC involved in the lying. Your action was limited to the Long tickler, which was gutted after my request and after my appeals and after I was lied to about these matters. What I was provided includes no explanation of this, what I regard as contemptuous also, and no report of any effort to determine if any other copies remain or if that very important record could still be reconstituted. Even as gutted ~~it~~ held many relevant records not provided earlier, ^{including} and records relating to me and the surveillance Item relating to which no records have since been provided. You have done nothing about ^{being} me files ^{of} under bank robberies and my appeal for the remaining and still withheld records. My appeal included the statement that this had to be the result of some form of telephone surveillance. No records have been provided after more than a half year.

(During all these long delays, of course, the House assassins had unrestricted opportunity to praise the FBI for its investigations of both crimes and was misled ~~into~~ into doing so.)

One of the more recent proofs I sent you of deliberate refusal to search known and existing files of unquestionable relevance to my requests, is proof that the various Divisions have their own filing systems and personnel, ^{at} ~~the~~ matter about which the FBI lied to me when I pointedly asked for searches in those files in these historical cases. Thus the destruction of the Long tickler and who can imagine what else by now?

That the Divisions have special files and other relevant records not searched, and that there are indices not searched ~~with~~ ^{copies} still not provided, ^{are} only some of what is relevant and is proof of deliberate non-compliance and deliberate refusal to make good-faith searches that are in the above-cited ^{system} ~~notice~~ notice.

How you did not find any of this relevant in your testimony I do not understand, ~~but~~ ^{but} under FOIA I can request only existing records.

What follows may not be complete. It is in order of appearance in the notice, beginning on page 44687. *It lists searches that should have been made, were not and were refused.*

"Duplicate records and records which extract information... are also kept in the various divisions of the FBI ... lists of individuals ... needs ... to have immediate access..." There also is "derivative" information in the divisions.

In connection with this and other relevant matters I remind you that in even its gutted form and with extensive withholdings I found in the Long tickler much not in any MURKIN records provided. And I repeatedly asked for ^{these} ~~such~~ searches.

Then there are the indices not searched. While I have no way of knowing what they contain and am not insisting that all should have been searched, those I note below appear to me to be indices that should have been searched, given good faith and due diligence, under PA request and the court cases.

ADEX: Maybe I was not on it but this should have been searched, given the filings on me and their meanings, copies of which I have provided and/or cited, and in connection with the King case surveillance item.

Ditto for "Background Investigation Index: Classified Alphabetical Retrieval and Reference Index": I meet the "highly sensitive source" criteria, as withholdings under national security claim in the records I have provided establish.

Computerized Telephone Number File (and others ^{like it} that follow I'll not take time for): This is one of the means by which I could have been made into a bank-robber filing case and certainly required a check, applicable also to the similar indices.

Fraud Against Government Index: I provided ^{you with} a record in which I ^{am} thus filed.

General Security Index: I have been the subject of such investigations.

Informant Index, Security Informant Index and Top Echelon Informant Program: relevant to the Patterson and probably Byers and other appeals, particularly because Patterson matters required Top Echelon committee clearance, a record included in ^{that} appeal.

Mail Cover Index: certainly an item to be checked under a surveillance information request because it is a form of surveillance. (You have not responded to my letter in response to yours given to the Court that was limited to a check of the existing electronic index, which is ^{known} to be limited and incomplete.)

National Security Electronic Surveillance Card File is of two parts, Institutions and Requests. This is limited ^{first} to approved surveillances and then to "national security." No dates are given but it followed the beginning of such surveillances by many years. There are other ^{that were} means not used to ascertain whether there were such surveillances that are not in the indices.

Security of Government Employees Index: This should include me ^{and} to the FBI'S and your knowledge, because I was filed this way and provided that information. (I also informed you of treason, espionage and other such incredible filings.)

Surveillance Locator Index is certainly a necessary place to check to comply with the surveillance item and the PA requests.

Telephone Subscriber and Toll Record Check Index: I have reason to believe I am there ^{and} ~~and~~ it ^{also} ~~also~~ should have been checked under PA and the Surveillance item.

"Routine uses" of records begins on page 44693. I quote relevant passages and where I believe necessary explain.

"...would disseminate information as a direct result of a name check request..."

"...public source information is distributed on a continuing basis..." Not to me, not even in ~~██████████~~ C.A. 75-1996 or when I asked for an FBI press release, and I have records of its denial to others, including unliked elements of the media.

"Policies and practises for storing, retrieving..."

"...computer tape and microfilm..." I have not received a single such record or part of a record and have not been told that any such searches were made.

"The FBI General Index ...cards are on all manners of subject matters..." This had been denied repeatedly and under oath, by the FBI, including in C.A. 75-1996.

"All agencies are required to retain any material made or received (and) is appropriate for preservation." How about the Long and other ticklers?

Others might feel euphoric over so many redundant proofs of bad faith and assorted dishonesties, especially with regard to matters before a court of law, but I do not. I am dismayed over the totality of proofs of bad faith and dishonesties, more so because it means that what I have been providing has been accurate and everyone on your side should have known this, particularly ^{the} ~~that~~ FBI component ~~whose~~ whose records systems are listed and described and which ~~handles~~ handles FOIA matters.

You may or may not have come to realize that my work does not address whodunits and does address the integrity of our institutions and agencies of government, particularly during and after periods of great crisis. I can take no joy from this newest validation of my work and its thrust and of the inflexible official determination to perpetuate what I regard as endangering society and causing a lack of faith in government, especially among the young. Only some of those in the collegiate audiences I address are influenced when, after speaking to them honestly I tell them that there is no other country in which I would be able to do what I do - that in even England and Canada there is an official secrets act.

Rather is this oppressive to me. One particular reason is because I come across all of this for the first time now when my court cases are almost a decade old and this proves official dishonesties in them. From the first to now. Another is because you have persisted in ignoring my RA-related appeals, ~~this~~ ^{This} tends to perpetuate the police-state abuses clear in the records I do have. ~~often~~ Often since I became ill I asked that this be attended to because I want to be able to leave a correcting record, which I cannot do after death. The first of so many appeals is more than three years old. The damage to me has only recently become clear. ~~I~~ I renewed my efforts to get you to act, but despite all the time I've taken and all the information I have provided I have received nothing ^{most} ~~recently~~ ^{I received} what I believe is ^{an} (unjustified effort to cover up for the FBI, which I am certain what I have sent you reflects. Regretfully, Harold Weisberg

I would like to be able to rewrite this and have my wife retype it but we just do not have the time. I'm sorry - particularly because I regard these as important matters. It is unfortunate that I received the report and the pages from the Federal Register at a time when my head is less clear, I am more unsteady, and there are other causes for apprehension over my condition. I'm afraid this is reflected in what I have written. I apologize for the extra time it may take to read and understand. If anything is unclear, please send me marked copies and I'll undertake to clarify or provide any explanations you may want.

Having reread this, although there might be more I could add, I want to re-emphasize what I have said quite often - let me put this another way. I believe that in the light of what this shows there is no question ~~about~~ about the bad faith of the persisting misrepresentation to the Court that there could and would be compliance from records called "MURKIN" only. Don't take my word for it - just read the Items of my requests. It is obvious, as from the first I informed the Court and Government counsel, that compliance from MURKIN records only is impossible. If the deception originated with the FBI and if the Department somehow lacked any knowledge of any FBI filing systems, once I informed the Court that compliance from MURKIN was impossible the Department was aware of it. Responsibility is not the FBI's only.

There are a number of files I identified accurately to you from records I obtained other than in C.A.75-1996, in which they were withheld, like 80s and 94s and others. These are described more fully in the Federal Register. I began giving you this information before your testimony. There is no doubt of their relevance because I have copies of records from them that are relevant.

Another matter on which I might have taken more time is illustrated by ~~the~~ the Byron Watson reference to CRD. By no means ~~is~~ is knowing non-compliance limited to the FBI or to CRD in the Department, which can't even pretend to hide behind MURKIN. In my 1976 appeal I specified that the public domain was being withheld, even with the White House being involved in the referral to Justice. I also specified that from personal knowledge all that was allegedly relevant was total fabrication. I had done

that work five years earlier as defense investigator. As a result of the improper and unjustified withholdings by the Department rather than by the FBI this, too, became an enigmatic and costly disinformational activity for which the FBI can't be blamed.

The Department was aware from my appeals and from my uncontested affidavits.

From its original source it also knew that the matter was within the public domain.

Some^{where} in that vast bureaucracy which has yet to establish diplomatic relations between its components there should be someone with authority to and interest in reading some of the affidavits^{it} provided in this case, particularly that of Stephen Horn. I believe it is impossible for an affidavit to be more completely false in a case like this.

Yet to the best of my recollection you have never made any reference to any of my appeals other than those limited to FBI records.

This gets back to the questions I asked: does the Department intend for this case never to end except with non-compliance?

I am also troubled by what appears to be your taking Doug Mitchell off of the many King appeals that have not been acted on and putting him in JFK matters again, those on which Linda Robinson was working two years ago and has been working^{on} recently in connection with the requests of others. You told me you had put another member of your staff on the JFK cases. If I am correct in this, and your recent letters indicate that I am, then does this also not further delay all King matters so few of which have been acted on?

Is this not also true of the overlap between the PA request and part of C.A. 75-1996, where Ms. Robinson was working on the PA part several years ago and now isn't - and there has been zero action on appeal?

I have not provided all I can relating to political misuse of C.A. 75-1996. All I have provided, including in a number of affidavits, now is completely confirmed.

To me this is directly opposite to the purposes of FOIA and what I am trying to do comes from its heart and soul.

I have not been able to discuss this with Mr. Lesar, who also has not been well, from an infection and painful spur on a vertebra. I believe I have restricted myself to factual rather than legal matters.

While you did let me know that the time you had set for us to confer about a month ago had become inconvenient for you and you then set another tentative time you did not let me know that you would not go ahead with it then.

Frankly, I have begun to wonder if any conference is worth the time now because of the way I feel and because they yield so little. In addition, the most recent development is that the FBI is again violating an agreement reached to resolve problems in advance. This relates to the processing of the Dallas index, a vastly important record existence of which it originally held secret. Now it is rushing the processing with unjustifiable withholdings, with withholdings outside the agreement, for the obvious purpose of protecting the unjustifiable withholdings from the underlying records. Then, once again, it will claim that the required ~~re~~ reprocessing will be burdensome and costly.

This newest of the abuses of the Act, me and an agreement is facilitated by your failure to act on those appeals after something like a year. The FBI is merely ignoring those appeals.

For this they assign extra personnel. Yet ~~in~~ in G.A. 75-1996, when the judge urged the assigning of personnel before all the Operation Onslaught agents returned to field assignments, they refused to do this. They didn't refuse to the judge but they did to Mr. Lesar and me when we reminded them.

If an agreement is reached and not kept, what good is there in taking time and my making compromises to reach an agreement or in any meetings in an effort to reach any agreement or any effort to at least reduce what is litigated?

What good is the right to appeal if after years appeals are not acted on? Or if the decision of the appeals authority is meaningless, as in G.A. 75-1996 it has been? Or if an Order of the Court is flaunted and this, too, is ignored by appeal authority?

The way I have been feeling recently any time set for my going to Washington for

any conference must be understood to be conditional. In addition, I will want assurances that any future agreements will be kept. Moreover, it is past time for each to be accompanied by an approximate time schedule.

The oldest one I remember (aside from the unkept agreement to reprocess FBIHQ MURKIN records involved in Operation Onslaught) is one under which, after the historical case determination, I would receive copies of all the King political records not ordered sequestered by Judge Smith. This was in late 1976 or early 1977. To date I have received only a few pages of the Hoover O & C records of which I had received copies much earlier from another requester to whom they had been provided. I provided proofs from the FBI's own records of the providing of copies to others. At the latest this was by the middle of 1977. Not only do I not have copies of those records - I don't even have an acknowledgement of receipt of what I sent.

This agreement was worse than worthless because it misled me and my counsel.

There is added point in this now because I have made more than two file drawers of King records available to a scholar for a scholarly paper to be presented to a convention of historians. He needs these records that remain withheld from me, even though they have been processed several times for Congressional committees and should have been for other requesters of whom I know.

While I cannot say what I will and will not do until I can confer with counsel, my disposition is to take no more time for trying to reach any agreement that is not accompanied with meaningful and dependable assurances that your side will keep it, including by an agreed-to time. When a Stipulation is meaningless, I am not optimistic about any agreement having any value.

7/29/79

A handwritten signature in dark ink, appearing to be the initials 'HW' or similar, written in a cursive style.